

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Scott Lawrence Simmons,

Case No. 21-CV-0947 (ECT/KMM)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Clerk of Appellate Courts and Supreme  
Court,

Defendants.

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Plaintiff Scott Lawrence Simmons has applied to proceed *in forma pauperis* (“IFP”) in this proceeding. *See* ECF No. 2. The IFP application does not contain enough information from which to conclude that Mr. Simmons qualifies financially for IFP status, but more importantly, an action may be dismissed when an IFP applicant has filed a complaint that fails to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); *Atkinson v. Bohn*, 91 F.3d 1127, 1128 (8th Cir. 1996) (per curiam).

The complaint submitted by Mr. Simmons includes no allegations whatsoever beyond the word “identification,” which is repeated five times at various spots in the pleading, *see* Compl. at 3, 4 [ECF No. 1], and “ADM20-8001,” which is repeated twice, *id.* Through this latter reference, Mr. Simmons seems to be referring to an ongoing administrative order of the Minnesota Supreme Court related to procedures in the state courts during the ongoing COVID-19 pandemic. *See Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Minn. Mar. 22, 2021).

But Mr. Simmons provides no indication as to *why* he believes this order to be unlawful. The complaint is insufficient to put either the defendants or the Court on notice of what is being alleged. Mr. Simmons has failed to state a claim on which relief may be granted, and it is therefore recommended that this matter be dismissed pursuant to § 1915(e)(2)(B).

### RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT:

1. This matter be DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. The application to proceed *in forma pauperis* of plaintiff Scott Lawrence Simmons [ECF No. 2] be DENIED.

Date: April 14, 2021

s/ Katherine Menendez  
Katherine Menendez  
United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).